

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RANDALL DUNHAM,

Plaintiff,

v.

ALIASGHAR MOHYUDDIN, et al.,

Defendants.

No. 2:23-CV-2757-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion for entry of default, which is captioned motion for default judgment. See ECF No. 15.

Plaintiff asks for Clerk's entry of default for Defendants' failure to plead or defend in response to his complaint. Plaintiff's motion is premature. The Court directed service of process under the Court's E-Service program on January 16, 2024. See ECF No. 10. Consistent with that order, on February 9, 2024, Defendants filed a notice of intent to waive service. See ECF No. 14. Pursuant to the provisions of the Court's E-Service order, Defendants are required to file waivers of service within 30 days of February 9, 2024, and then to file a response to the complaint within 60 days thereafter. Given that these deadlines have not yet passed, Plaintiff's motion will be denied as premature, and the Clerk of the Court will be directed to decline entry of default.

Accordingly, IT IS ORDERED that:

1. Plaintiff's motion, ECF No. 15, is construed as a request for Clerk's entry of default and, so construed, is DENIED as premature.

2. The Clerk of the Court shall not enter Defendants' defaults.

Dated: March 11, 2024



DENNIS M. COTA  
UNITED STATES MAGISTRATE JUDGE